

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|----------|--|
| IN RE: PHILIPS RECALLED CPAP, BI-LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS LITIGATION | : | Master Docket: Misc. No. 21-mc-1230-JFC |
| | : | |
| | : | MDL No. 3014 2:23-CV-50 |
| | : | |
| This Document Relates to: | : | SHORT FORM COMPLAINT FOR |
| | : | PERSONAL INJURIES, DAMAGES, |
| | : | AND DEMAND FOR JURY TRIAL |

**MARGARET HEUER and
GREGORY HEUER, on behalf of
themselves and all others similarly
situated.**

Plaintiff(s) incorporate(s) by reference the Amended Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial filed in *In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation*, MDL No. 3014, Master Docket Misc. No. 21-mc-1230 (the "Master Long Form Complaint"). This Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants; and/or (b) additional claims and allegations against other Defendants not listed in the Master Long Form Complaint.

Plaintiff(s) further allege(s) as follows:

I. DEFENDANTS

1. Plaintiff(s) name(s) the following Defendants in this action:

- ☒ Koninklijke Philips N.V.
- ☒ Philips North America LLC.
- ☒ Philips RS North America LLC.

_____ Philips Holding USA Inc.

_____ Philips RS North America Holding Corporation.

_____ Polymer Technologies, Inc.

_____ Polymer Molded Products LLC.

II. PLAINTIFF(S)

2. Name of Plaintiff(s):

Margaret Heuer

3. Name of spouse of Plaintiff (if loss of consortium claim is being made):

Gregory Heuer

4. Name and capacity (*i.e.*, executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any:

5. State(s) of residence of Plaintiff(s) (if the Recalled Device user is deceased, residence at the time of death):

Pennsylvania

III. DESIGNATED FORUM

6. Identify the forum (United States District Court and Division) in which the Plaintiff would have filed in the absence of direct filing:

Western District of PA

IV. USE OF A RECALLED DEVICE

7. Plaintiff used the following Recalled Device(s):

| | |
|---|---|
| <input type="checkbox"/> <i>E30 (Emergency Use Authorization)</i> <input type="checkbox"/> <i>DreamStation ASV</i> <input type="checkbox"/> <i>DreamStation ST, AVAPS</i> <input type="checkbox"/> <i>SystemOne ASV4</i> <input type="checkbox"/> <i>C-Series ASV</i> <input type="checkbox"/> <i>C-Series S/T and AVAPS</i> <input type="checkbox"/> <i>OmniLab Advanced +</i> <input type="checkbox"/> <i>SystemOne (Q-Series)</i> <input type="checkbox"/> <i>DreamStation</i> <input type="checkbox"/> <i>DreamStation Go</i> <input type="checkbox"/> <i>Dorma 400</i> | <input type="checkbox"/> <i>Dorma 500</i> <input type="checkbox"/> <i>REMstar SE Auto</i> <input type="checkbox"/> <i>Trilogy 100</i> <input type="checkbox"/> <i>Trilogy 200</i> <input type="checkbox"/> <i>Garbin Plus, Aeris, LifeVent</i> <input type="checkbox"/> <i>A-Series BiPAP Hybrid A30 (not marketed in U.S.)</i> <input type="checkbox"/> <i>A-Series BiPAP V30 Auto</i> <input type="checkbox"/> <i>A-Series BiPAP A40</i> <input type="checkbox"/> <i>A-Series BiPAP A30</i> <input checked="" type="checkbox"/> <i>Other Philips Respironics Device; if other, identify the model:</i> <div style="border-bottom: 1px solid black; margin-top: 5px;">Philips Remstar Pro-C FlexPlus</div> |
|---|---|

V. INJURIES

8. Plaintiff alleges the following physical injuries as a result of using a Recalled Device together with the attendant symptoms and consequences associated therewith:

- ☐ COPD (new or worsening)
- ☐ Asthma (new or worsening)
- ☐ Pulmonary Fibrosis
- ☐ Other Pulmonary Damage/Inflammatory Response
- ☒ Cancer Liver/Lung (specify cancer)

- ☐ Kidney Damage
- ☐ Liver Damage
- ☐ Heart Damage
- ☐ Death
- ☒ Other (specify) Vasculitis

VI. CAUSES OF ACTION/DAMAGES

9. As to Koninklijke Philips N.V., Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

- X Count I: Negligence
- X Count II: Strict Liability: Design Defect
- Count III: Negligent Design
- Count IV: Strict Liability: Failure to Warn
- Count V: Negligent Failure to Warn
- Count VI: Negligent Recall
- Count VII: Battery
- Count VIII: Strict Liability: Manufacturing Defect
- Count IX: Negligent Manufacturing
- X Count X: Breach of Express Warranty
- X Count XI: Breach of the Implied Warranty of Merchantability
- Count XII: Breach of the Implied Warranty of Usability
- Count XIII: Fraud
- X Count XIV: Negligent Misrepresentation
- Count XV: Negligence Per Se

X Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law

 X Count XVII: Unjust Enrichment

 Count XVIII: Loss of Consortium

 Count XIX: Survivorship and Wrongful Death

 Count XX: Medical Monitoring

 X Count XXI: Punitive Damages

 Count XXII: Other [specify below]

| |
|---|
| Fraudulent Misrepresentation; Fraud by Omission |
|---|

10. As to Philips North America LLC, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

 X Count I: Negligence

 X Count II: Strict Liability: Design Defect

 Count III: Negligent Design

 Count IV: Strict Liability: Failure to Warn

 Count V: Negligent Failure to Warn

 Count VI: Negligent Recall

 Count VII: Battery

 Count VIII: Strict Liability: Manufacturing Defect

 Count IX: Negligent Manufacturing

 X Count X: Breach of Express Warranty

 X Count XI: Breach of the Implied Warranty of Merchantability

- ☐ Count XII: Breach of the Implied Warranty of Usability
- ☐ Count XIII: Fraud
- ☒ Count XIV: Negligent Misrepresentation
- ☐ Count XV: Negligence Per Se
- ☒ Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
- ☒ Count XVII: Unjust Enrichment
- ☐ Count XVIII: Loss of Consortium
- ☐ Count XIX: Survivorship and Wrongful Death
- ☐ Count XX: Medical Monitoring
- ☒ Count XXI: Punitive Damages
- ☐ Count XXII: Other [specify below]

Fraudulent Misrepresentation; Fraud by Omission

11. As to Philips RS North America LLC, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

- ☒ Count I: Negligence
- ☒ Count II: Strict Liability: Design Defect
- ☐ Count III: Negligent Design
- ☐ Count IV: Strict Liability: Failure to Warn
- ☐ Count V: Negligent Failure to Warn
- ☐ Count VI: Negligent Recall
- ☐ Count VII: Battery

- _____ Count VIII: Strict Liability: Manufacturing Defect
- _____ Count IX: Negligent Manufacturing
- X Count X: Breach of Express Warranty
- X Count XI: Breach of the Implied Warranty of Merchantability
- _____ Count XII: Breach of the Implied Warranty of Usability
- _____ Count XIII: Fraud
- X Count XIV: Negligent Misrepresentation
- _____ Count XV: Negligence Per Se
- X Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
- X Count XVII: Unjust Enrichment
- _____ Count XVIII: Loss of Consortium
- _____ Count XIX: Survivorship and Wrongful Death
- _____ Count XX: Medical Monitoring
- X Count XXI: Punitive Damages
- _____ Count XXII: Other [specify below]

| |
|---|
| Fraudulent Misrepresentation; Fraud by Omission |
|---|

12. As to Philips Holding USA Inc., Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

- _____ Count I: Negligence
- _____ Count II: Strict Liability: Design Defect
- _____ Count III: Negligent Design

- _____ Count IV: Strict Liability: Failure to Warn
- _____ Count V: Negligent Failure to Warn
- _____ Count VI: Negligent Recall
- _____ Count VII: Battery
- _____ Count VIII: Strict Liability: Manufacturing Defect
- _____ Count IX: Negligent Manufacturing
- _____ Count X: Breach of Express Warranty
- _____ Count XI: Breach of the Implied Warranty of Merchantability
- _____ Count XII: Breach of the Implied Warranty of Usability
- _____ Count XIII: Fraud
- _____ Count XIV: Negligent Misrepresentation
- _____ Count XV: Negligence Per Se
- _____ Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
- _____ Count XVII: Unjust Enrichment
- _____ Count XVIII: Loss of Consortium
- _____ Count XIX: Survivorship and Wrongful Death
- _____ Count XX: Medical Monitoring
- _____ Count XXI: Punitive Damages
- _____ Count XXII: Other [specify below]

Fraudulent Misrepresentation; Fraud by Omission

13. As to Philips RS North America Holding Corporation, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries,

Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

- _____ Count I: Negligence
- _____ Count II: Strict Liability: Design Defect
- _____ Count III: Negligent Design
- _____ Count IV: Strict Liability: Failure to Warn
- _____ Count V: Negligent Failure to Warn
- _____ Count VI: Negligent Recall
- _____ Count VII: Battery
- _____ Count VIII: Strict Liability: Manufacturing Defect
- _____ Count IX: Negligent Manufacturing
- _____ Count X: Breach of Express Warranty
- _____ Count XI: Breach of the Implied Warranty of Merchantability
- _____ Count XII: Breach of the Implied Warranty of Usability
- _____ Count XIII: Fraud
- _____ Count XIV: Negligent Misrepresentation
- _____ Count XV: Negligence Per Se
- _____ Count XVI: Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
- _____ Count XVII: Unjust Enrichment
- _____ Count XVIII: Loss of Consortium
- _____ Count XIX: Survivorship and Wrongful Death
- _____ Count XX: Medical Monitoring
- _____ Count XXI: Punitive Damages

_____ Count XXII: Other [specify below]

Fraudulent Misrepresentation; Fraud by Omission

13. As to Polymer Technologies, Inc., Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

_____ Count I: Negligence

_____ Count II: Strict Liability: Design Defect

_____ Count III: Negligent Design

_____ Count IV: Strict Liability: Failure to Warn

_____ Count V: Negligent Failure to Warn

_____ Count VIII: Strict Liability: Manufacturing Defect

_____ Count IX: Negligent Manufacturing

_____ Count XIII: Fraud

_____ Count XIV: Negligent Misrepresentation

_____ Count XVII: Unjust Enrichment

_____ Count XVIII: Loss of Consortium

_____ Count XIX: Survivorship and Wrongful Death

_____ Count XX: Medical Monitoring

_____ Count XXI: Punitive Damages

_____ Count XXII: Other [specify below]

14. As to Polymer Molded Products LLC, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

_____ Count I: Negligence

_____ Count II: Strict Liability: Design Defect

_____ Count III: Negligent Design

_____ Count IV: Strict Liability: Failure to Warn

_____ Count V: Negligent Failure to Warn

_____ Count VIII: Strict Liability: Manufacturing Defect

_____ Count IX: Negligent Manufacturing

_____ Count XIII: Fraud

_____ Count XIV: Negligent Misrepresentation

_____ Count XVII: Unjust Enrichment

_____ Count XVIII: Loss of Consortium

_____ Count XIX: Survivorship and Wrongful Death

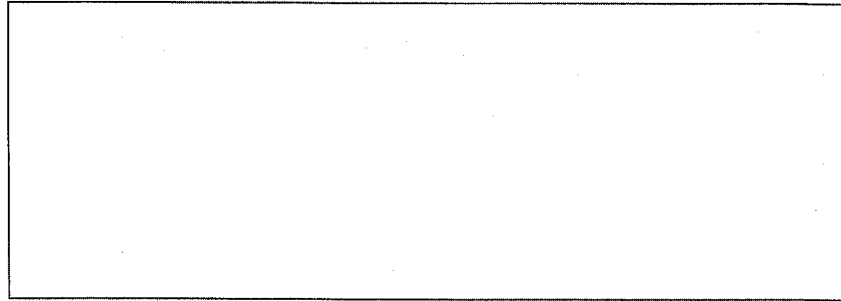
_____ Count XX: Medical Monitoring

_____ Count XXI: Punitive Damages

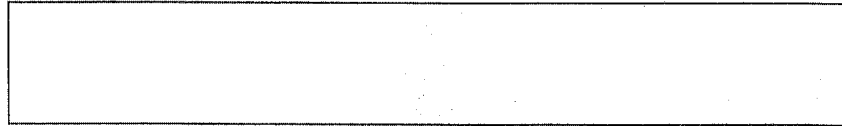
_____ Count XXII: Other [specify below]

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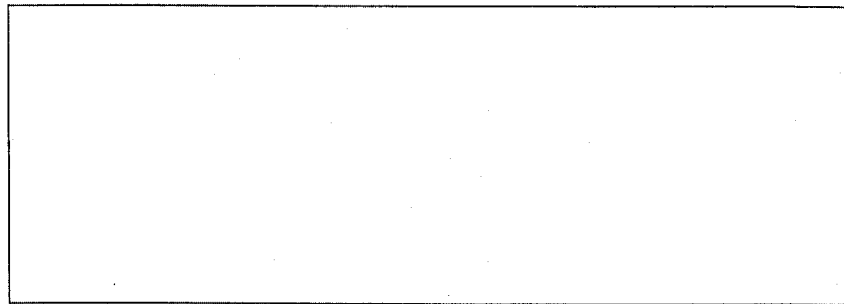
15. If additional claims against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial are alleged above, the additional facts, if any, supporting these allegations must be pleaded. Plaintiff(s) assert(s) the following additional factual allegations against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial:



16. Plaintiff(s) contend(s) that additional parties may be liable or responsible for Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):

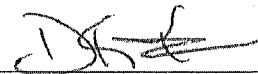


17. Plaintiff(s) assert(s) the following additional claims and factual allegations against other Defendants named in Paragraph 16 above:



WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial and any additional relief to which Plaintiff(s) may be entitled.

Date: 1-11-23



David K. Houck
Ogg, Murphy & Perkosky, PC
245 Fort Pitt Boulevard
Pittsburgh, PA 15222

CIVIL COVER SHEET

JS 44 (Rev. 10/20)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Margaret Heuer and Greg Heuer on behalf of themselves

(b) County of Residence of First Listed Plaintiff Westmoreland County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David Kennedy Houck, Ogg, Murphy & Perkosky, 245
Fort Pitt Boulevard, Pittsburgh, PA 15222 412.471.8500

DEFENDANTS

Koninklijke Philips N.V.; Philips North America, LLC; and

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|---|---|--|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 833 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §1332 of the Class Action Fairness Act of 2005.

Brief description of cause:

Consumer fraud, common law fraud, and breaches of warranty stemming from defective products.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Joy Flowers ContiDOCKET NUMBER 21MC1230

DATE

1/5/23

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44A REVISED June, 2009
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

- This case belongs on the (☐ Erie ☐ Johnstown ☒ Pittsburgh) calendar.
1. ERIE CALENDAR - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
 2. JOHNSTOWN CALENDAR - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
 3. Complete if on ERIE CALENDAR: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
 4. Complete if on JOHNSTOWN CALENDAR: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. ☒ This case is related to Number 21MC1230 . Short Caption PHILIPS RECALLED OPAP BI-LEVEL
2. ☐ This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

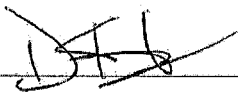
PART C

I. CIVIL CATEGORY (Select the applicable category).

1. ☐ Antitrust and Securities Act Cases
2. ☐ Labor-Management Relations
3. ☐ Habeas corpus
4. ☐ Civil Rights
5. ☐ Patent, Copyright, and Trademark
6. ☐ Eminent Domain
7. ☐ All other federal question cases
8. ☒ All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. ☐ Insurance indemnity, contract and other diversity cases.
10. ☐ Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: 1/5/23


ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH FORMS MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.